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1 **D.W. Hunter**

2 1275 Lincoln Ave.

3 Ste #1

4 St. Paul, MN 55105

5 612-395-9111(F)

6 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF ILLINOIS

7 D.W. HUNTER., an Individual,
8 LARNELL EVANS. JR., an Individual
9 FOR THE ESTATE OF ANNA SHORT
10 HARRINGTON, an Individual ("AUNT
11 JEMIMA")

12 PLAINTIFFS'

13 vs.

14 PEPPSICO Inc., a Corporations, THE
15 QUAKER OATS COMPANY, a
16 Corporation, PINNACLE FOODS
17 GROUP, LLC, THE HILLSHIRE BRANDS
18 COMPANY, a Corporation, and DOES
19 1 through 25, inclusive,
20 DEFENDANTS.

Case No. 14 - CV - 6011

**MEMORANDUM IN SUPPORT OF
MOTION AND REQUEST FOR RULE 11
SANCTIONS**

FILED

SEP X 4 2014

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

21 **Memorandum of Law**

22 **Petrella v. Metro-Goldwyn-Mayer, Inc.**

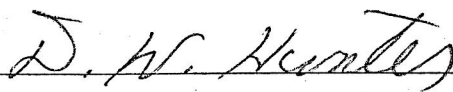
23 **Case No. 12-1315**

24 "MGM is concerned that evidence needed or useful to defend
25 against liability will be **lost during a copyright owner's inaction**. But
26 Congress **must have been aware** that the passage of time and the
author's death could cause evidentiary issues **when it provided for
reversionary renewal rights** that an **author's heirs can exercise long after
a work was written and copyrighted**. Moreover, because a copyright
plaintiff bears the burden of proving infringement, any hindrance caused

1 by evidence unavailability is as likely to affect plaintiffs as defendants.
2 The need for extrinsic evidence is also reduced by the "registration
3 mechanism," ("Emphasis Added" under which both the certificate and
4 the original work must be on file with the Copyright Office (i.e. Trademark
5 Office) before a copyright owner can sue for
6 infringement." <http://supreme.justia.com/cases/federal/us/572/12-1315/>

7 DATED: July 3, 2014

8 Respectfully Submitted,

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10 D.W.H.
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CERTIFICATE OF SERVICE

FOR THE COUNTY OF]
 RAMSEY IN THE] ss.
 STATE OF MINNESOTA]

Case No.: _____

I, D.W.H., HEREBY certify that I am over the age of 18 years old, and located at 1275 Lincoln Ave Unit 1, St. Paul, Minnesota 55105. I certify that I have placed a prepaid postage, true and complete original to the court and copies to the party(is) of record at the U.S. Postal Office located at Post Office St. Paul MN. on the date of July 2014, for this action of the following:

MOTION FOR RULE 11 SANCTIONS + MEMORANDUM + Exhs. 25, 26, 27, 28, 29, 30, 31, 32

c/o Clerk, The Quaker Oats Company, 555 W Monroe St Fl 1 Chicago, Illinois 60661-3716 United States. c/o CT Corporation System, 208 So. LaSalle St. Suite 814, Chicago, IL 60604	c/o Pinnacle Foods Group, LLC, c/o Agent: C T Corporation System is located at C T CORPORATION SYSTEM, 208 SO. LaSalle St, Ste # 814, Chicago, IL 60604, and a Principal place of business 99 Jefferson Road, Parsippany, NJ 07054.
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c/o PepsiCo, Inc. 700 Anderson Hill Road Purchase, NY 10577 ; 555 West Monroe Street, Chicago, IL 60661, (Ph): (914) 253-2000, Fax Number: (914) 253-2070. c/o CT Corporation System, 111 Eighth Ave. N.Y., N.Y. 10011	c/o Clerk United States District Court Northern District of Illinois Everett McKinley Dirksen United States Courthouse 219 South Dearborn Street Chicago, IL 60604
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Kent B. Magill, The Hillshire Brands Company, c/o Agent: C T Corporation System is located at 208 SO LASALLE ST, SUITE 814 Chicago, IL 60604, c/o Secretary: Kent B. Magill 400 S Jefferson St. Chicago, IL 60607.	
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I declare under the penalty of perjury under the laws of the State of Minnesota that the above is true and correct.

Date: 07/01/14

Respectfully Submitted,

D. W. Hunter
 D.W.H.